

Applicants acknowledge the Examiner's holding of the subject matter in claims 1-3 and 5 employing the compound 3-(3-cyclopentyloxy-4-methoxy-benzyl)-8-(1-(4-fluorobenzyloxy)-1-methyl-ethyl)-hypoxanthine to be allowable.

I. Rejections under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 2, 3 and 5 which "*recite the limitation 'pharmaceutical compound' in line 1 of the claims respectively.*" The Examiner asserted that "[t]here is insufficient antecedent basis for this limitation in the claim."

In response, the dependent claims have been amended to recite "composition."

II. Rejections under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-3 and 5 under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 5,864,037 to Chasin, et al. (the Chasin patent).

The Examiner asserted that the Chasin patent "*teaches a composition comprising 3-(3-cyclopentyloxy-4-methoxy-benzyl)-8-(1-methyl-ethyl)-hypoxanthine and water neutralized to pH 7 (See col. 11, line 29-41).*"

In response, it is respectfully submitted that the Chasin patent as amended does not teach or suggest the present claims, which are directed to the compounds of formula I and at least one pharmaceutically acceptable excipient in the form of a solid dosage form.

It is respectfully submitted that the description of "*a composition comprising 3-(3-cyclopentyloxy-4-methoxy-benzyl)-8-(1-methyl-ethyl)-hypoxanthine and water neutralized to pH 7*" does not teach or suggest the solid dosage forms of the present claims as the utility of the Chasin composition is as a starting material in a method of synthesis as disclosed therein.

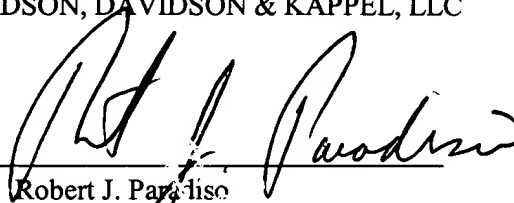
III. Conclusion

In view of the actions taken and the arguments presented, it is respectfully submitted that the present application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

According to currently recommended Patent Office policy the Examiner is specifically authorized to contact the undersigned in the event that a telephonic interview will advance the prosecution of this application.

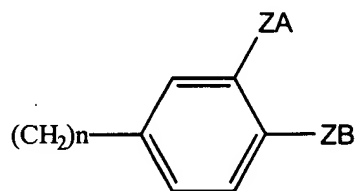
Respectfully submitted,
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Version of Amendments With Markings to Show Changes Made

1. (Amended) A pharmaceutical composition comprising a compound of the formula:



wherein;

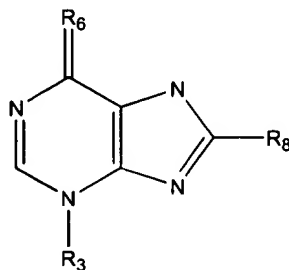
$R_6 = S$ or O

R_3 is selected from the group consisting of $C_1 - C_8$ linear or branched alkyl; $C_2 - C_8$ linear or branched alkene; $C_2 - C_8$ linear or branched alkyne; C_{3-8} cycloalkyl; Q; and K;

R_8 is selected from the group consisting of $C_1 - C_8$ linear or branched alkyl; $C_2 - C_8$ linear or branched alkene; $C_2 - C_8$ linear or branched alkyne; C_{3-8} cycloalkyl; Q; and K;

wherein

Q has the general formula:



wherein;

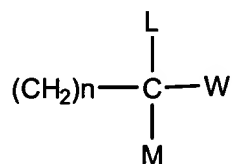
$n = 0$ or 1 ;

Z = a bond, CH₂, NH, O or S;

A and B can form a ring by adding 1-3 CH₂ groups when Z = CH₂, NH, O or S; and

A and B are not in a ring when Z = a bond, wherein A and B are independently selected from the group consisting of hydrogen; halogen; C₁ – C₈ alkyl; C₁ – C₈ alkoxy; C₃ – C₈ cycloalkyl; C₃ – C₈ cycloalkoxy; hydroxy; phenyl; benzyl; and benzyloxy; wherein said phenyl, benzyl and benzyloxy are optionally substituted with halogen, C₁ – C₈ alkyl, C₁ – C₈ alkoxy, C₃ – C₈ cycloalkyl, C₃ – C₈ cycloalkoxy and hydroxy;

K has the general formula:



wherein;

n = 0 or 1;

L and M are independently selected from the group consisting of hydrogen and methyl;

W is selected from the group consisting of Q; hydroxy; benzyloxy optionally substituted with halogen, C₁ – C₈ alkyl, C₁ – C₈ alkoxy, C₃ – C₈ cycloalkyl, C₃ – C₈ cycloalkoxy and hydroxy; aryl; heteroaryl; and a heterocyclic ring;

provided that when R₃ is methyl, R₈ is not hydrogen;

and pharmaceutically acceptable salts thereof;

and at least one pharmaceutically acceptable excipient, said composition in the form of a solid dosage form.

2. (Amended) The pharmaceutical **[compound]** composition of claim 1 wherein R₃ is benzyl.

3. (Amended) The pharmaceutical **[compound]** composition of claim 1 wherein R₃ is benzyl substituted with an alkoxy and a cycloalkoxy group.

5. (Amended) The pharmaceutical **[compound]** composition of claim 1, wherein said compound [which] is selected from the group consisting of:

- 3-methyl-hypoxanthine;
- 3-butyl-hypoxanthine;
- 3-butyl-thiohypoxanthine;
- 3-ethyl-hypoxanthine;
- 3-ethyl-thiohypoxanthine;
- 3,8-diethyl-hypoxanthine;
- 3,8-diethyl-thiohypoxanthine;
- 3-ethyl-8-cyclopropyl-hypoxanthine;
- 3-ethyl-8-cyclopropyl-thiohypoxanthine;
- 3-propyl-hypoxanthine;
- 3-hexyl-hypoxanthine;
- 3-hexyl-thiohypoxanthine;
- 3-benzyl-hypoxanthine;
- 3-benzyl-thiohypoxanthine;
- 3-(4-methyl-butyl)-hypoxanthine;
- 3-(4-methyl-butyl)-thiohypoxanthine;

3-(2-methyl-butyl)-hypoxanthine;
3-(2-methyl-butyl)-thiohypoxanthine;
3-(3-cyclopentyloxy-4-methoxy-benzyl)-hypoxanthine;
3-(3-cyclopentyloxy-4-methoxy-benzyl)-8-(1-hydroxy-1-methyl-ethyl)-hypoxanthine;
3-(3-cyclopentyloxy-4-methoxy-benzyl)-8-(1-methyl-ethylene)-hypoxanthine;
3-(3-cyclopentyloxy-4-methoxy-benzyl)-8-(1-benzyloxy-1-methyl-ethyl)-hypoxanthine;
3-(3-cyclopentyloxy-4-methoxy-benzyl)-8-(benzyloxymethyl)-hypoxanthine;
3-(3-cyclopentyloxy-4-methoxy-benzyl)-8-(1-methyl-ethyl)-hypoxanthine;
3-(3-cyclopentyloxy-4-methoxy-benzyl)-8-(1-(4-methoxybenzyloxy)-1-methyl-ethyl)-
hypoxanthine;
3-(3-cyclopentyloxy-4-methoxy-benzyl)-8-(1-(4-fluorobenzyloxy)-1-methyl-ethyl)-
hypoxanthine;
3-(3-benzyloxy-4-methoxy-benzyl)-8-(1-benzyloxy-1-methyl-ethyl)-hypoxanthine;
3-(3-4-dimethoxy-benzyl)-8-(1-benzyloxy-1-methyl-ethyl)-hypoxanthine;
3-(3-benzyloxy-4-methoxy-benzyl)-8-(1-methyl-ethyl)-hypoxanthine;
3-(3-hydroxy-4-methoxy-benzyl)-8-(1-methyl-ethyl)-hypoxanthine;
3-(3-4-dimethoxy-benzyl)-8-(1-methyl-ethyl)-hypoxanthine;
3-(1,3-benzdioxole-5-methyl)-8-(1-methyl-ethyl)-hypoxanthine;
3-(4-chloro-benzyl)-8-(1-methyl-ethyl)-hypoxanthine;
3-(3-chloro-benzyl)-8-(1-methyl-ethyl)-hypoxanthine;
3-(4-methoxy-benzyl)-8-(1-methyl-ethyl)-hypoxanthine;
3-(3-4-dimethoxy-benzyl)-8-(1-(4-fluorobenzyloxy)-1-methyl-ethyl)-hypoxanthine;
and pharmaceutically acceptable salts thereof.